IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13/03/2003

CORAM

THE HON'BLE MR. JUSTICE K. SAMPATH

W.P.No.2594 of 2003
and
W.P.M.P.No.3248 of 2003

S. Jarlin Prinso,
W/o R. Selvaraj,
90-A, Kamarajar Nagar,
Sathankulam,
Tuticorin District. ... Petitioner

-Vs-

1. The Director of Government
Examinations, College Road,
Chennai 600 006.

2. The Director of Teacher
Education, Research and
Training, College Road,
Chennai 600 006. ... Respondents

For Petitioner: ... Mr.N. Paul Vasanthakumar

For Respondents: ... Mr.P.S. Sivashanmuga-
sundaram, A.G.P.

This writ petition is filed under Article 226 of the
Constitution of India for a writ of mandamus as stated therein.

:ORDER
The prayer is for a mandamus to the first respondent to issue
duplicate Diploma Certificate of Teacher Training Course bearing Registration
No.12262/88 to the petitioner.

2. The case as set out in the affidavit in support of the
writ petition is as follows:
The writ petitioner passed her S.S.L.C. in April, 1986. She
joined Diploma in Teacher Training Course in 1986 in St. Antony's Teacher
Training Institute for Women, Panagudi, Tirunelveli, and completed the Course
in 1988 and passed the examination conducted by the first respondent in April,
1988 with Registration No.12262. She has got her mark sheet issued by the
first respondent dated 3-10-1988 to prove the same. She was appointed as a

Secondary Grade Teacher in a leave vacancy from 21-2-1989 to 20-4-1989 in the aided R.C. School of Ilankulam Parish. The leave vacancy appointment was approved by the Deputy Inspector of Schools, Nanguneri Range, by order dated 8-5-1989. She was also paid salary. She was further appointed as Secondary Grade Teacher from 39-4-1989 in Kamalia Middle School, Sathankulam, which is also an aided school. This appointment was also approved by the Assistant Educational Officer, Sathankulam, in Proceedings dated 20-6-199 1. She is working as Secondary Grade Teacher continuously from 29.4.989. She is being paid salary and other benefits. Kamalia Middle School was closed due to non-availability of students. The petitioner was, therefore deployed by the District Elementary Educational Officer, Tuticorin, by his Proceedings K.Dis.14199/B3/95 dated 30-1-1996 from 1-2-1996 and posted as Secondary Grade Teacher in R.C. Primary School, Amudhunnakudi. These details are also entered in the petitioner's Service Register. She was transferred from that School to Sacred Heart Primary School, Sathankulam, from 16-11-1998. Since then she was working there. Thus she has been continuously working in aided schools from 29.4.1989 without any break.

The petitioner while travelling in a bus, lost her S.S.L.C.
Book and Teacher Taining Certificate in original. She issued an advertisement in the "Daily Thanthi" dated 7.5.1995 mentioning about the loss and also stating that if any person found the same, they could be sent to her address at Thailapuram. There was no response to the advertisement. The Tahsildar, Sathankulam, in his Proceedings L.Dis.5371/95 , dated 20-7-1995 certified that the petitioner lost her original certificates and that they were beyond recovery. Thereafter, she applied to the first respondent on 31-7-1995 in the prescribed form for issue of duplicate mark sheet of the S.S.L.C. and duplicate certificate in Teacher Training Course along with enclosures. She also remitted the necessary fees to the first respondent through the District Educational Officer with due attestation from the Tahsildar, Sathankulam, and countersigned by the Headmaster, Kamalia Middle School, Sathankulam. The first respondent by reply dated 12-3-1996 stated that the school, in which the petitioner underwent the Diploma in Teacher Training Course was derecognised subsequently and the Diploma Certificate sought for could not be given to her. She applied for reconsideration. A reply was sent to the Principal, D.I.E.T. Muninchipatti, dated 2 -7-1995 stating that the students of the derocognised institutions were not entitled to get Diploma Certificate. The petitioner submitted a further representation on 24-8-2001 specifically stating that the school was having due recognition at the relevant point of time when she studied the course. Only subsequently it was derecognised in the year 1993 and it could not be a reason for rejecting her request for the issue of duplicate S.S.L.C. mark sheet and Diploma Certificate. She also further pointed out that if the Diploma Certificate was not produced, she would not be in a position to get her service benefits after her retirement. The first respondent by proceedings Na.Ka.31 5469/C1/2001, dated 31-8-2001 sent a reply in a cyclostyled form stating that the Government ordered not to give Duplicate Certificates, who underwent Teacher Training Course in institutions, which were derecognized subsequently and that such a certificate could be given only after getting orders from this Court and in as much as the petitioner had not obtained orders from this Court, Duplicate Certificate could not be issued. Under these circumstances, the present writ petition has been filed.

3. Mr. Paul Vasanthakumar, learned Counsel for the petitioner, submitted that this was a bona fide case, where the candidate had lost her S.S.L.C. Mark Sheet and the Diploma Certificate and it was absolutely necessary that the Diploma Certificate should be available to her to claim her service benefits. The learned Counsel further submitted that at the relevant point of time the institute where the petitioner did her Diploma in Teacher Training was a recognised institution and it was only subsequently it got derecognised and in as much as during the time the petitioner did her course the institution was a recognised one, the subsequent derecognition could not be put against her. The learned Counsel also relied on the judgment of S.S. SUBRAMANI, J., as the learned Judge then was, in S. VASANTHAKUMARI VS. THE DIRECTOR OF GOVERNMENT EXAMINATIONS, COLLEGE, ROAD, CHENNAI 6 (1999 Writ L.R. 308) where in identical circumstances, the learned Judge granted relief.

4. The learned Additional Government Pleader submitted that the Department could not by itself grant Duplicate Certificate unless it had the sanction of this Court. According to the learned Additional Government Pleader, the case appeared to be a bona fide one and it was left to this Court to decide the issue.

5. The fact remains that at the time the petitioner did the course, the institute was a recognised one. She completed her course successfully and according to her, she was also given the Diploma Certificate. Unfortunately, she had lost the original Diploma Certificate and she applied to the first respondent for grant of a Duplicate Certificate. That she lost the original Diploma and that it could not be traced is also vouched by the Tahsildar.

6. In VASANTHAKUMARI's case already referred to, under similar circumstances, the learned Judge granted the prayer to a candidate, who lost her original mark sheet and applied for issuance of duplicate. It is not disputed that the first respondent himself had issued the original Diploma Certificate. It is only a duplicate that is sought for. As pointed out by the learned Judge in the decision referred to, the grant of prayer will not go against the decision in P.M. JOSEPH VS. STATE OF TAMIL NADU AND OTHERS (1993 Writ L.R. 604). The Bench did not hold that the examinations written by candidates, who underwent the course in the subsequently derecognised institutions were invalid and the candidates would not be entitled to any benefits. In fact, the prior recognition was not a matter in issue nor was it declared by Court that it was invalid. Thus, following the judgment in VASANTHA KUMARI'S case, the writ petition will stand allowed. The first respondent is directed to furnish duplicate copy of the Diploma Certificate of Teacher Training Course as prayed for by the petitioner within a period of six weeks from the date of receipt or production of a copy of the order in the writ petition. The connected miscellaneous petition is closed. There will, however, be no order as to costs.

Index: Yes
Internet: Yes

IGP

To

1. The Director of Government Examinations, College Road, Chennai 600 006.

2. The Director of Teacher Education, Research and Training, College Road, Chennai 600 006.